IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRITTANY HELFRICK and : CIVIL ACTION NO. 1:07-CV-0903

JAMES ANTHONY ARCQ, SR.,

Individually and as Parents and : (Judge Conner)

Natural Guardians of JAMES

ANTHONY ARCQ, JR., a Minor, :

Plaintiffs

:

v.

:

YVETTE BROWN, M.D., et al.,

:

Defendants

ORDER

AND NOW, this 6th day of August, 2007, upon consideration of the motion to dismiss (Doc. 8), and of plaintiffs' response thereto (Doc. 16), indicating that plaintiffs are amenable to a dismissal of the complaint without prejudice, and it appearing that defendants have not served an answer or a motion for summary judgment, see FED. R. CIV. P. 41(a)(1) ("[A]n action may be dismissed by the plaintiff . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment"), it is hereby ORDERED that:

- 1. The motion to dismiss (Doc. 8) is GRANTED.
- 2. The complaint (Doc. 1) is DISMISSED without prejudice.
- 3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge